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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,741	11/25/2003	Nobuo Onuma	CFA00021US	8964
34904 7590 02/20/2008 CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION 15975 ALTON PARKWAY IRVINE, CA 92618-3731			EXAMINER PHAM, THIERRY L	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 02/20/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/723,741	<b>Applicant(s)</b> ONUMA ET AL.	
	<b>Examiner</b> Thierry L. Pham	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

- This action is responsive to the following communication: amendment filed on 12/11/07.
- Claims 1-16 are currently pending.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lester et al (US 7072065), and in view of Carney et al (US 6453268).

Regarding claim 1, Lester discloses a print control device (fig. 10) comprising:

- data processing means (communication port, fig. 3) for generating or transferring print data in response to a print request;
- acquisition means (processor 22, fig. 3) for acquiring print conditions (col. 2, lines 33-45) in the print request;
- checking means for checking a print cancel command (checking cancel input command, figs. 5-7) is issued as the data processing means generates or transfers the print data at the frequency determined by the determination means;
- determining means (cancellation key, figs. 5-7) for checking a frequency (cancellation period, figs. 5-7, col. 4, lines 5-52) of checking a print cancel command is issued based on the print conditions acquired by the acquisition means.

Lester fails to teach and/or suggest monitoring the cancel input at a variable frequency. In other words, Lester teaches a method for checking and monitoring cancel input continuously and a cancel input is detected immediately when the cancel command is issued from the host device, but does not specify a specific time frame (frequency) for monitoring print cancel command.

Carney, in the same field of endeavor for monitoring print process, teaches a well-known example of monitoring print process and/or printer's status at a variable frequency (figs. 2-5, col. 2, lines 40 to col. 3, lines 14 and col. 5, lines 11-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify print control (e.g. print cancel command) monitoring of Lester to include a method for monitoring print process, print status and/or print cancel command at variable frequency as taught by Carney. In other words, it would have been obvious to monitor and/or check the print cancel command at variable frequency so it allows the users/operators to selectively choose more accurately information (continuously monitoring with high level) or reduce network traffic (delay monitoring with low level), see col. 5, lines 11-44 for more details.

Therefore, it would have been obvious to combine Lester with Carney to obtain the invention as specified in claim 1.

Regarding claim 2, Lester further discloses a print control device according to claim 1, further comprising receiving means (communication ports, fig. 3) for receiving the print cancel command of the print data through a user interface (control panel, fig. 4-7), wherein the checking means checks whether the print cancel command is received through the receiving means.

Regarding claim 3, Lester further discloses a print control device according to claim 1, wherein the frequency is a print throughput that is determined based on estimated time (cancellation period, figs. 5-7, col. 4, lines 5-52) needed to perform unit throughput required in the print conditions.

Regarding claim 4, Lester further discloses a print control device according to claim 1, wherein the frequency is determined so that the product of the frequency and estimated time needed (cancellation period can be fixed or varied, figs. 5-7, col. 4, lines 5-52) to perform unit throughput required in the print conditions remains unchanged under varying print conditions.

Regarding claim 5, Lester further discloses a print control device according to claim 1, wherein the frequency determined based on the print conditions is a print throughput, and wherein the print throughput is determined based on print cancel intervals (print cancel intervals based upon how many times the print cancel button is activated, figs. 5-7, col. 4, lines 5-52).

Regarding claim 6, Lester further discloses a print control device according to claim 1, further comprising suspending means which suspends (figs. 5-7, col. 4, lines 32-52) the generation or the transfer of the print data by a printer driver if the print cancel command has been received.

Regarding claim 7, Lester further discloses a print control device according to claim 1, wherein the print conditions (col. 6, lines 6-60) comprise at least one of a sheet size, a resolution, and a designation of one of color printing or monochrome printing.

Regarding claims 8-14: Claims 8-14 are the methods corresponding the apparatus and recite limitations that are similar and in the same scope of invention as to those in claims 8-14; therefore, claims 8-14 are rejected for the same rejection rationale/basis as described in claims 1-7 above.

Regarding claims 15-16: Claims 15-16 recite limitations that are similar and in the same scope of invention as to those in claim 1 except computer readable memory for storing computer programs. All computers/printers have some type of computer readable medium (i.e. RAM, fig. 3) for storing computer programs, hence claims 15-16 would be rejected using the same rationale as in claim 1

### ***Response to Arguments***

Applicant's arguments, see pages 6-8, filed 12/11/07, with respect to the rejection(s) of claim(s) 1 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been

withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference due to newly added features/limitations.

Applicant's arguments, see page 6, filed 12/11/07, with respect to claim 15 have been fully considered and are persuasive. The 101 rejection of claim 15 has been withdrawn.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham

A handwritten signature in cursive script, reading "Gabriel Garcia". The signature is written in dark ink and is positioned to the right of the name "Thierry L. Pham".

GABRIEL I. GARCIA  
PRIMARY EXAMINER